

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): T.J. Gabara et al.
Docket No.: 90-6
Serial No.: 10/668,544
Filing Date: September 23, 2003
Group: 2617
Examiner: Fred A. Casca

Title: Method and Apparatus for Automatic Determination of
Optimal User Device Location in a Wireless Network

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

This Appeal Brief is submitted in response to the non-final Office Action dated May 26, 2006 in the above-referenced application, in which the Examiner reopened prosecution in response to the Response to Final Office Action and Notice of Appeal filed April 11, 2006.

Applicant (hereinafter referred to as "Appellant") has submitted concurrently herewith a Notice of Appeal and a Response to Office Action requesting reinstatement of the appeal.

REAL PARTY IN INTEREST

The present application is assigned to Agere Systems Inc. or a subsidiary thereof. Agere Systems Inc. is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals and interferences.

STATUS OF CLAIMS

Claims 1-20 are currently pending in the application. Claims 1 and 17-20 are the independent claims. Claims 1-5, 8 and 17-20 stand rejected under 35 U.S.C. §102(e). Claims 6, 7 and 9-16 stand rejected under 35 U.S.C. §103(a). The rejections of claims 1-20 are hereby appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides techniques for automatic determination of appropriate locations for user devices in a wireless network. The wireless network comprises a plurality of user devices adapted for communication with at least one access point device. Specification, p. 2, lines 21-23.

Independent claim 1 is directed to a method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device. See, e.g., Specification, p. 4, line 20 to p. 5, line 2; and FIG. 1, user devices 102-L and access point devices 104-M. The method comprises the step of initiating a test of a communication link between at least one of the user devices and the access point device, the test comprising a determination of data throughput performance. See, e.g., Specification, p. 7, line 25 to p. 9, line 2; and FIG. 3, step 302. In addition, the method comprises the step of generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance. See, e.g., Specification, p. 7, line 35 to p. 8, line 2; p. 9, line 6 to p. 11, line 7; FIG. 3, steps 304 and 306; and FIG. 4.

Independent claim 17 is directed to an apparatus for implementing the method set forth in independent claim 1. See, e.g., Specification, p. 5, line 18 to p. 6, line 3; FIG. 1, user devices 102-L and access point devices 104-M; FIG. 2, user device 102-1 and access point device 104-1.

Independent claim 18 is directed to a communication system for implementing the method set forth in claim 1. See, e.g., Specification, p. 4, line 20 to p. 5, line 17; and FIG. 1, communication system 100.

Independent claim 19 is directed to an article of manufacture comprising a machine-readable medium storing one or more software programs for implementing the method set forth in claim 1. See, e.g., Specification, p. 5, line 18 to p. 6, line 3; FIG. 1, user devices 102-L and access point devices 104-M; FIG. 2, user device 102-1 and access point device 104-1.

Finally, independent claim 20 is directed to a method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device. See, e.g., Specification, p. 4, line 20 to p. 5, line 2; and FIG. 1, user devices 102-L and access point devices 104-M. The method comprises the step of initiating a test of a communication link between a user device at a current location and an access point device, the test comprising a determination of data throughput performance. See, e.g., Specification, p. 7, line 25 to p. 9, line 2; and FIG. 3, step 302. In addition, the method comprises the step of generating, based at least in part on a result of the test, an instruction displayable to a user associated with the user device, the instruction being indicative of another location associated with an improved level of data throughput performance relative to that of the current location. See, e.g., Specification, p. 7, line 35 to p. 8, line 2; p. 9, line 6 to p. 11, line 7; FIG. 3, steps 304 and 306; and FIG. 4.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-5, 8 and 17-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0203889 (hereinafter “Karaoguz”).

2. Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of U.S. Publication No. 2004/0203698 (hereinafter “Comp”).

3. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in further view of U.S. Publication No. 2003/0017858 (hereinafter “Kraft”).

4. Claims 9 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of well known prior art.

5. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of U.S. Patent Publication No. 2002/0044528 (hereinafter “Pogrebinsky”).

6. Claims 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Pogrebinsky in further view of well known prior art.

7. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of U.S. Patent Publication No. 2004/0052232 (hereinafter “Ramaswamy”).

8. Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of U.S. Patent No. 6,813,501 (hereinafter “Kinnunen”).

9. Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of U.S. Patent Publication No. 2002/0060995 (hereinafter “Cervello”).

ARGUMENT

1. Rejection under 35 U.S.C. §102(e) as being anticipated by Karaoguz

Claims 1-5 and 17-19

Claim 1 sets forth:

A method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device, the method comprising the steps of:

initiating a test of a communication link between at least one of the user devices and the access point device, the test comprising a determination of data throughput performance; and

generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.

In formulating the §102(e) rejection of this claim, the Examiner argues that each and every limitation included therein is described by Karaoguz. More particularly, with respect to the limitations of the claim beginning with “initiating a test,” the Examiner states:

Referring to claim 1, Karaoguz discloses a method for use in a wireless network comprising . . . initiating a test of a communication link between at least one of the user devices and the access point device the test comprising a determination of data throughput performance (Figs. 2-5, and paragraphs 17, 19, 22, 38, and 40-44, “evaluate and assess the location information”, “determine a primary optimal location”, “recommend and provide the optimal information to the wireless device”, “corresponding optimal locations along with the corresponding data rates”, note that the optimal location for communication is determined and recommended, hence it is inherent that a test is performed so that the optimal positions are determined. Further note that specific locations within the cell configuration provide specific data throughput performance. The data throughput performance of each location within the cell is inherently determined in order to provide the data rate capacity for each particular location since each location within the cell has a known data rate capacity, where optimum location is consequently determined according to such data rate capacity) . . .

Current Office Action, dated May 26, 2006, pp. 2 and 3.

Appellants respectfully disagree. The Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §2131 states that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 further indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Karaoguz at paragraph 38, for example, describes how a the communication capacity of a user’s wireless device is determined in Karaoguz’s method. Karaoguz at paragraph 38 states:

Following the determination of the location information of the user’s wireless device, the configuration device can determine the communication capacity of the user’s wireless device at step 310. In other words, the configuration device can determine the communication capacity such as the data type capacity and the data rate capacity of the user’s wireless device. The data type capacity can inform the configuration device about the types of data the user’s wireless device can manage. For instance, the data type capacity can inform the configuration device whether the user’s wireless device can manage audio, video and/or text, etc. Similarly, the data rate capacity can inform the configuration device about the data rates the user’s wireless device can achieve. The communication capacity information corresponding to the user’s wireless device can be embedded in the request message or can

be embedded in a separate message signal from the wireless device to the configuration device. Furthermore, the communication capacity information can be preprogrammed within a look-up table or a storage unit in the configuration device, and can be accessed by an identifier of the wireless device.

(*Emphasis added*). As a result, Karaoguz does not, as the Examiner argues, describe “a test comprising a determination of data throughput performance,” nor is this determination somehow inherent to the reference. Rather, the data rate of a user’s wireless device in Karaoguz is either embedded in a message sent by the wireless device to the configuration device or determined by reference to a lookup table or storage device. It is this information that is subsequently utilized to help determine Karaoguz’s “optimal location information,” described at, for example, paragraph 40. In short, Karaoguz fails entirely to explicitly or inherently describe a test of data throughput performance like that set forth in the claim. Karaoguz, instead, describes the determination of a communication capacity for the user’s wireless device by other means.

Karaoguz, therefore, fails to describe each and every limitation in claim 1.

Independent claims 17-19 comprise limitations similar to those set forth in claim 1. Appellants therefore believe that independent claims 17-19 are in condition for allowance for reasons similar to those recited above for independent claim 1. Moreover, dependent claims 2-5 are also believed to be in condition for allowance for at least the reasons set forth above for their base claim, independent claim 1.

Claim 8

Dependent claim 8 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1. Moreover, claim 8 is believed to contain separately patentable subject matter over Karaoguz.

Claim 8 sets forth:

The method of claim 1 wherein the test comprises a test of at least one of an uplink communication channel between the user device and the access point device and a downlink communication channel between the user device and the access point device.

In formulating the §102(e) rejection, the Examiner argues that Karaoguz anticipates this claim at paragraphs 40-44. Current Office Action, dated May 26, 2006, p. 4. Appellants respectfully disagree. As stated above with regard to claim 1, Appellants assert that Karaoguz does not describe the testing of data throughput. What is more, even if Karaoguz did inherently describe such a test, as the Examiner argues, Karaoguz certainly does not describe the “test of at least one of an uplink communication channel . . . and a downlink communication channel” in as complete detail as is contained in claim 8. The rejection, therefore, does not conform to all the requirements of MPEP §2131 (quoted above).

Claim 20

Claim 20 sets forth:

A method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device, the method comprising the steps of:

initiating a test of a communication link between a user device at a current location and an access point device, the test comprising a determination of data throughput performance; and

generating, based at least in part on a result of the test, an instruction displayable to a user associated with the user device, the instruction being indicative of another location associated with an improved level of data throughput performance relative to that of the current location.

In formulating the §102(e) rejection of this claim, the Examiner argues that each and every limitation included therein is described by Karaoguz. More particularly, with respect to the limitations of the claim beginning with “initiating a test,” the Examiner states:

Referring to claim 20, Karaoguz discloses a method for use in a wireless network comprising . . . initiating a test of a communication link between a user devices at a current location and an access point device, the test comprising a determination of data throughput performance (Figs. 2-5, and paragraphs 17, 19, 22, 38, and 40-44, “evaluate and assess the

location information”, “determine a primary optimal location”, “recommend and provide the optimal information to the wireless device”, “corresponding optimal locations along with the corresponding data rates”, note that the optimal location for communication is determined and recommended, hence it is inherent that a test is performed so that the optimal positions are determined. Further note that specific locations within the cell configuration provide specific data throughput performance. The data throughput performance of each location within the cell is inherently determined in order to provide the data rate capacity for each particular location since each location within the cell has a known data rate capacity, where optimum location is consequently determined according to such data rate capacity)

Current Office Action, dated May 26, 2006, p. 8.

Appellants respectfully disagree. MPEP §2131 states that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 further indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Karaoguz at paragraph 38, for example, describes how a the communication capacity of a user’s wireless device is determined in Karaoguz’s method. Karaoguz at paragraph 38 states:

Following the determination of the location information of the user’s wireless device, the configuration device can determine the communication capacity of the user’s wireless device at step 310. In other words, the configuration device can determine the communication capacity such as the data type capacity and the data rate capacity of the user’s wireless device. The data type capacity can inform the configuration device about the types of data the user’s wireless device can manage. For instance, the data type capacity can inform the configuration device whether the user’s wireless device can manage audio, video and/or text, etc. Similarly, the data rate capacity can inform the configuration device about the data rates the user’s wireless device can achieve. The communication capacity information corresponding to the user’s wireless device can be embedded in the request message or can be embedded in a separate message signal from the wireless device to the configuration device. Furthermore, the communication capacity information can be preprogrammed within a look-up table or a storage unit in the configuration device, and can be accessed by an identifier of the wireless device.

(*Emphasis added*). As a result, Karaoguz does not, as the Examiner argues, describe “a test comprising a determination of data throughput performance,” nor is this determination somehow inherent to the reference. Rather, the data rate of a user’s wireless device in Karaoguz is either embedded in a message sent by the wireless device to the configuration device or determined by reference to a lookup table or storage device. It is this information that is subsequently utilized to help determine Karaoguz’s “optimal location information,” described at, for example, paragraph 40. In short, Karaoguz fails entirely to explicitly or inherently describe a test of data throughput performance like that set forth in the claim. Karaoguz, instead, describes the determination of a communication capacity for the user’s wireless device by other means.

Karaoguz, therefore, fails to describe each and every limitation in claim 20.

2. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Comp Claim 6

Claim 6 is believed to be in condition for allowance for at least the reasons set forth above for its respective base claim, independent claim 1. Moreover, the §103(a) rejection of this claim is believed to contain additional defects.

Claim 6 sets forth “[t]he method of claim 1 wherein the generated instruction is displayable on a display screen of the user device.” In formulating the §103(a) rejection of this claim, the Examiner states that Karaoguz “does not disclose the generated instruction is displayed on a display screen of **the user device**.” Current Office Action, dated May 26, 2006, p. 9. The Examiner therefore relies on Comp to disclose this feature. However, in describing the motivation to combine Karaoguz and Comp, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Karaoguz by providing the generated instruction to be displayable on a display screen of the user device, as suggested by Comp, motivation being for the purpose of providing the best available signal strength for the user, and consequently making wireless users happy.

Current Office Action, dated May 26, 2006, p. 9.

The establishment of a *prima facie* case of obviousness requires that there be “some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP §2143. Any such showing of motivation “must be based on objective evidence of record” rather than “subjective belief and unknown authority.” In re Sang-Su Lee, 277 F.3d 1338, 1343-44, 61 USPQ2d 1430 (Fed. Cir. 2002). Nevertheless, in contravention to these requirements, the above-quoted argument lacks any basis in objective evidence of record that would motivate one skilled in the art to combine the references as suggested. Instead, the Examiner has apparently used improper hindsight by using the Appellant’s teachings as a blueprint to hunt through the prior art for the claimed elements and combine them as claimed. The result is an argument to combine references that finds its true motivation in advantageous aspects of the present invention, namely the providing of location information to a user in a wireless network by displaying such information on a display screen on the user device itself. The Federal Circuit has repeatedly held that such an approach is “an illogical and inappropriate process by which to determine patentability.” Sensonic, Inc. v. Aerosonic Corp., 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996).

3. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Kraft Claim 7

Claim 7 is believed to be in condition for allowance for at least the reasons set forth above for its respective base claim, independent claim 1. Moreover, the §103(a) rejection of this claim is believed to be defective for reasons similar to those set forth above for claim 6.

Claim 7 sets forth “[t]he method of claim 1 wherein the generated instruction is displayable on a display screen that is not part of the user device.” In formulating the §103(a) rejection of this claim, the Examiner states that Karaoguz “does not disclose the generated instruction is displayable on a display screen that is not part of the user device.” Current Office Action, dated May 26, 2006,

p. 10. The Examiner therefore relies on Kraft to disclose this feature. However, in describing the motivation to combine Karaoguz and Kraft, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Karaoguz by providing the generated instruction to be displayable on a display screen that is not part of the user device, as suggested by Kraft, motivation being for the purpose of providing the strongest available signal strength for the user, and consequently making wireless users happy.

Current Office Action, dated May 26, 2006, p. 10.

Clearly, in contravention to the requirements for a valid §103(a) rejection, the above-quoted argument lacks any basis in objective evidence of record that would motivate one skilled in the art to combine the references as suggested. Instead, the Examiner has again apparently used improper hindsight by using the Appellant's teachings as a blueprint to hunt through the prior art for the claimed elements and combine them as claimed. The result is an argument to combine references that finds its true motivation in advantageous aspects of the present invention, namely the providing of location information to a user in a wireless network by displaying such information on a display screen not part of the user device itself. The Federal Circuit has repeatedly held that such an approach is "an illogical and inappropriate process by which to determine patentability." Sensonic, Inc. v. Aerosonic Corp., 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996).

4. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of well known prior art

Claim 9

Appellants respectfully assert that the allegedly well known prior art cited by the Examiner fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 9 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

Claim 15

Appellants respectfully assert that the allegedly well known prior art cited by the Examiner fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 15 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

5. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Pogrebinsky

Claim 10

Appellants respectfully assert that Pogrebinsky fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 10 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

6. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Pogrebinsky in further view of well known prior art

Claim 11

Appellants respectfully assert that Pogrebinsky and the allegedly well known prior art cited by the Examiner fail to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 11 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

Claim 12

Appellants respectfully assert that Pogrebinsky and the allegedly well known prior art cited by the Examiner fail to remedy the fact that Karaoguz does not anticipate all the limitations of

independent claim 1 (described above). As a result, dependent claim 12 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

7. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Ramaswamy

Claim 13

Appellants respectfully assert that Ramaswamy fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 13 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

8. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Kinnunen

Claim 14

Appellants respectfully assert that Kinnunen fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 14 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

9. Rejection under 35 U.S.C. §103(a) as being unpatentable over Karaoguz in view of Cervello.

Claim 16

Appellants respectfully assert that Cervello fails to remedy the fact that Karaoguz does not anticipate all the limitations of independent claim 1 (described above). As a result, dependent claim 16 is believed to be in condition for allowance for at least the reasons set forth above for its base claim, independent claim 1.

For at least the reasons given above, Appellants respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Wise". The signature is fluid and cursive, with a large initial "M" and a stylized "W".

Date: August 17, 2006

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CLAIMS APPENDIX

1. A method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device, the method comprising the steps of:

initiating a test of a communication link between at least one of the user devices and the access point device, the test comprising a determination of data throughput performance; and

generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.

2. The method of claim 1 wherein the test comprises a test of a communication link between the given user device and the access point device.

3. The method of claim 1 wherein the test comprises a test of a communication link between one of the user devices, other than the given user device, and the access point device.

4. The method of claim 1 wherein the location comprises a location at which the given user device is expected to obtain a maximum achievable level of data throughput performance.

5. The method of claim 1 wherein the given user device is at a current location, and the instruction is indicative of another location associated with an improved level of data throughput performance relative to that of the current location.

6. The method of claim 1 wherein the generated instruction is displayable on a display screen of the user device.

7. The method of claim 1 wherein the generated instruction is displayable on a display screen that is not part of the user device.

8. The method of claim 1 wherein the test comprises a test of at least one of an uplink communication channel between the user device and the access point device and a downlink communication channel between the user device and the access point device.

9. The method of claim 1 wherein the test is initiated in conjunction with access to a server connected to the access point via a network.

10. The method of claim 1 wherein the test comprises a test sequence involving the transmission of a plurality of known packets at different bit rates between the at least one user device and the access point device.

11. The method of claim 10 wherein the test sequence is initiated by the at least one user device, and the packets are transmitted to the access point device and returned from the access point device to the at least one user device.

12. The method of claim 10 wherein the test sequence is initiated by the access point device, and the packets are transmitted from the access point device to the at least one user device.

13. The method of claim 1 wherein the generating step utilizes information derived from a global positioning system (GPS) in determining the location at which the given user device is expected to obtain a particular level of data throughput performance.

14. The method of claim 1 wherein the generated instruction comprises an indication of a particular area within a given facility.

15. The method of claim 1 wherein the generated instruction comprises an indication of a particular seating location in a group of seating locations within a given facility.

16. The method of claim 1 wherein the user device is compatible with at least one of the 802.11a standard, the 802.11b standard and the 802.11g standard.

17. An apparatus for use in a wireless network including a plurality of user devices adaptable for communication with at least one access point device, the apparatus comprising:

a processing device having a processor coupled to a memory, the processing device comprising at least one of a user device and an access point device of the wireless network;

wherein the processing device is configurable to initiate a test of a communication link associated with at least one of the user devices, the test comprising a determination of data throughput performance, and to generate, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.

18. A communication system comprising:

a wireless network including a plurality of user devices adaptable for communication with at least one access point device;

wherein a test of a communication link between at least one of the user devices and the access point device is initiated, the test comprising a determination of data throughput performance, and, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices is generated, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.

19. An article of manufacture comprising a machine-readable storage medium storing one or more software programs for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device, wherein the one or more programs when executed implement the steps of:

initiating a test of a communication link between at least one of the user devices and the access point device, the test comprising a determination of data throughput performance; and
generating, based at least in part on a result of the test, an instruction displayable to a user associated with a given one of the user devices, the instruction being indicative of a location at which the given user device is expected to obtain a particular level of data throughput performance.

20. A method for use in a wireless network comprising a plurality of user devices adapted for communication with at least one access point device, the method comprising the steps of:
initiating a test of a communication link between a user device at a current location and an access point device, the test comprising a determination of data throughput performance; and
generating, based at least in part on a result of the test, an instruction displayable to a user associated with the user device, the instruction being indicative of another location associated with an improved level of data throughput performance relative to that of the current location.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None